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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CHERIE BLACKMON, individually;

Plaintiff,

v.

JARROD MINOR, individually; CITY OF
NORTH LAS VEGAS, a political subdivision of
the State of Nevada; DOE CORRECTIONS
OFFICERS I – X;

Defendants.

Case No.: 2:23-cv-02109-APG-DJA

**DISCOVERY PLAN AND SCHEDULING
ORDER**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting**: Pursuant to FRCP Rule 26(f), a meeting was held on March 4, 2024, and was attended telephonically by Joshua Benson, Esq. of BENSON ALLRED INJURY LAW for Plaintiff and Noel E. Eidsmore, Esq. of NORTH LAS VEGAS CITY ATTORNEY for Defendants Jarrod Minor and City of North Las Vegas.

2. **Pre-Discovery Disclosures**: Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), by March 18, 2024.

3. **Areas of Discovery**: The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil

Procedure.

4. **Discovery Plan:** The parties propose the following discovery plan:

Discovery Cut-off Date(s): Defendants Jarrod Minor and City of North Las Vegas first appeared in this matter by filing an Answer on February 12, 2024. LR 26-1(b)(1) provides that “unless otherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review.” The parties agree there is no need for a special review. Therefore, the parties agree that discovery must be commenced and completed no later than August 12, 2024.

A. **Amending the Pleadings and Adding Parties:**

The parties shall have until May 14, 2024, to file any motions to amend the pleadings to add parties. This is 90 days before the discovery cut-off date.

B. **FRCP 26(a)(2) Disclosure of Experts:**

Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: the disclosure of experts and their reports shall occur on or before June 13, 2024. The disclosure of rebuttal experts and their reports shall occur on or before July 15, 2024. The expert disclosure deadline is 60 before the discovery cut-off date and the rebuttal expert disclosure deadline is 30 days after the initial expert disclosure deadline.

C. **Dispositive Motions:**

The parties shall have until September 11, 2024, to file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

D. **Pre-Trial Order:**

The parties will prepare a Consolidated Pre-Trial Order on or before October 11, 2024, which is not more than 30 days after the date set for filing dispositive motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely

1 filed until 30 days after the decision of the dispositive motions or until further order of the
2 Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be
3 included in the pre-trial order.
4

5 E. **Court Conferences**: If the Court has questions regarding the dates
6 proposed by the parties, the parties request a conference with the Court before entry of the
7 Scheduling Order. If the Court does not have questions, the parties do not request a conference
8 with the Court.
9

10 F. **Authorizations**: Plaintiff will execute the authorizations provided by
11 Defendant.
12

13 G. **Format of Discovery**: Pursuant to the electronic discovery amendments
14 to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
15 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
16 do not anticipate discovery of native files or metadata at this time, but each party reserves the
17 right to make a showing for the need of such electronic data as discovery progresses.
18

19 H. **Alternative Dispute Resolution**: The parties certify that they have met and
20 conferred about the possibility of using alternative dispute-resolution processes including
21 mediation, arbitration, and if applicable, early neutral evaluation.
22

23 I. **Alternative Forms of Case Disposition**: The parties certify that they
24 considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R.
25 Civ. P. 73 and the use of the short trial program (General Order 2013-01). The parties do not
26 consent to trial by magistrate judge or use of the short trial program.
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28 J. **Electronic Evidence**: The parties certify that they discussed whether they
intend to present evidence in electronic format to jurors for the purposes of jury deliberations.
The parties have not reached any stipulations in this regard at this time.

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1 K. **FRCP 35 Examination**: Defendant reserves the right to have Plaintiff
2 undergo an FRCP 35 Examination performed by Defendant's doctor(s), to be determined if
3 Plaintiff pursues future damages. Said independent medical examination is allowed pursuant to
4 the Federal Rules of Civil Procedure and without waiving all objections thereto by either party.

5 DATED: March 7, 2024

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7 /s/ Joshua Benson

8 Joshua L. Benson, Esq.
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/s/ Noel Eidsmore

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15 **IT IS SO ORDERED:**

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18 **UNITED STATES MAGISTRATE JUDGE**

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20 **DATED:** 3/7/2024